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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,908	04/19/2005	Johannes Boppel	WI.2132 PCT-US	3844
7590 Douglas R Hanscom Jones Tullar & Cooper P O Box 2266 Eads Station Arlington, VA 22202			EXAMINER LANGDON, EVAN H	
			ART UNIT 3654	PAPER NUMBER
			MAIL DATE 11/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/531,908

Applicant(s)

BOPPEL ET AL.

Examiner

Evan H. Langdon

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-74 is/are pending in the application.
- 4a) Of the above claim(s) 35,36,38,40,50-52,54,56,60,62,64,66,68 and 70-74 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34, 37, 39, 41-49, 53, 57-59, 61, 65, 67 and 69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/19/05; 1/12/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Election/Restrictions

Claims 35,36,38,40,50-52,54,56,60,62,64,66,68,70-74 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 30 October 2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34, 37, 39, 41, 44-49, 53, 57-59, 61, 65, 67 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer (US 7,025,303 in view of Hansen (US 5,464,143).

Meyer discloses a guide element 1 of a web processing machine comprising:

a load bearing support, which is at least in part fluid-permeable;

a layer of a porous material 15 on the load bearing support;

a plurality of micro-openings 150 in the porous material, each with a diameter of less than 500 μm (col. 6 ll. 7), the micro-openings being open pores of the porous material, the plurality of micro-openings being adapted to allow emergence of a fluid under pressure around an entire circumference (col. 6 ll. 1-11) of at least one longitudinal section of the guide element.

Hansen teaches guide element 10 and means supporting the guide element 1 for positioning in a selected one of two angular positions in respect to a web contacting the guide element (Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the means supporting the guide element of Meyer to include supporting means to allow the guide to pivot in two angular positions as suggested by Hansen, to direct a moving web in the desired direction.

In regard to claim 37, Meyer as modified by Hansen teaches both of the positions (Hansen) of the guide element fluid exits from the micro-sections over an entire circumference (col. 6 ll. 1-11) of the guide element in at least one longitudinal section.

In regard to claim 39, Meyer as modified by Hansen teaches the guide element is pivotable through 90° and wherein in the first angular position a first half-shell-like half of a surface area is engaged by the web, and in the second angular position a second half-shell-like half of the surface area is engaged by the web (Hansen).

In regard to claim 41, Meyer as modified by Hansen teaches the pores have a mean diameter between 5 μm and 50 μm (Meyer, col. 6 ll. 7).

In regard to claim 44, Meyer as modified by Hansen teaches the support has, on a side facing the layer, a support surface 10 connected with the layer 15, and a plurality of openings 100 adapted to feed the fluid to the layer 15 (Meyer).

In regard to claims 45 and 69, Meyer as modified by Hansen teaches the layer has a thickness of less than 1 mm (Meyer, col. 6 ll. 7).

In regard to claim 47, Meyer as modified by Hansen teaches the support is a support tube 10 with a hollow profile.

In regard to claim 49, Meyer as modified by Hansen teaches a degree of opening of the micro-openings is between 3% and 30% of an outer surface area of the layer of porous material.

In regard to claims 53, 57, 58 and 67, Meyer as modified by Hansen teaches between 1 to 20 standard cubic meters of air per hour emerges from a square meter of the surface and the porous material is charged from the interior with an excess pressure of more than 4 bar (Meyer, col. 6, ll. 27-29).

In regard to claim 59, Meyer as modified by Hansen teaches a feed line 13 adapted to supply fluid to the guide element and having an inner cross-sectioned area no greater than 100 mm².

In regard to claim 46, the examiner takes official notice that a plurality of passages, which are not connected with each other, extending over a length and width of the support would have been obvious to one having ordinary skill in the art the time the invention was made to more accurately direct the fluid under pressure.

With respect to claims 48, 61 and 63, Meyer as modified by Hansen does not teach specific values for the thickness of the support wall, the outer diameter of the guided element or the length of the guide element. However, one of ordinary skill in the art is expected to routinely experiment with the parameters, especially when the specifics are not disclosed, so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been

obvious through routine experimentation and optimization, for one of ordinary skill in the art to have a thickness of at least 3mm, a diameter between 60 mm and 100 mm and a length of at least 1200 mm depending on the application of the guide element.

Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer as modified by Hansen as applied to claim 34 above, and further in view of JP-53102.

JP-07053102 teaches a turning bar having a porous material made of sinter metal.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the porous material of Meyer as modified by Hansen to include sinter metal as suggested by JP-53102, because the simple substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time the invention was made.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

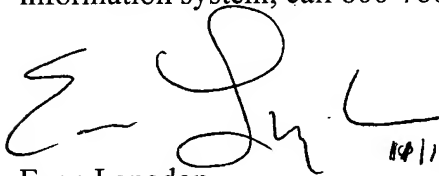
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



14/13/07

Evan Langdon
Patent Examiner
AU 3654